

DEFENSE

**Agreement Between the
UNITED STATES OF AMERICA
and JAPAN**

Effected by Exchange of Notes at
Tokyo November 20, 2018



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

JAPAN

Defense

*Agreement effected by exchange of notes at
Tokyo November 20, 2018;
Entered into force November 20, 2018.*

Tokyo, November 20, 2018

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to the Mutual Defense Assistance Agreement Between Japan and the United States of America, signed at Tokyo on March 8, 1954 (hereinafter referred to as the "MDA Agreement"), and the arrangements made thereunder that have provided for the reciprocal exchange of defense-related information, and to recognize that the MDA Agreement provides, inter alia, that each Government, consistently with the principle that economic stability is essential to international peace and security, will make available to the other such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize, in accordance with such detailed arrangements as may be made between them.

I have the honor to refer also to the Agreement Between the Government of Japan and the Government of the United States of America Concerning Security Measures for the Protection of Classified Military Information, signed at Tokyo on August 10, 2007 (hereinafter referred to as the "GSOMIA"), which provides, inter alia, that the Governments shall protect Classified Military Information provided by one Government to the other Government under the terms set forth therein and that supplemental implementing arrangements may be entered into by competent authorities of the Governments.

The Government of Japan desires to obtain and use the advanced technology contained in the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades for the purpose of ensuring the security of Japan.

The Government of Japan recognizes its need for information, including Classified Military Information, related to the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades from the Government of the United States of America in order to use the advanced technologies provided under this system. The Government of Japan further acknowledges that a special security program is necessary to facilitate the furnishing of such information. Accordingly, the representatives of the

His Excellency

Taro Kono,

Minister for Foreign Affairs of Japan

DIPLOMATIC NOTE

Government of Japan and the Government of the United States of America have recently held discussions for the purpose of concluding detailed arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan. The following is the proposal of the Government of Japan regarding the results of the above-mentioned discussions:

1. Representatives of the competent authorities of the two Governments shall make the detailed implementing arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan, which shall consist of a memorandum of understanding and any modifications thereto, which shall be implemented according to their terms. For such detailed implementing arrangements, the competent authority of the Government of Japan is the Ministry of Defense, and the competent authority of the Government of the United States of America is the Department of Defense.

2. All Classified Military Information furnished by the Government of the United States of America to the Government of Japan concerning the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades shall be subject to the security measures set forth in the memorandum of understanding and any modifications thereto.

3. The present agreement and all arrangements to be concluded hereunder shall be implemented subject to the relevant laws, regulations, and budgetary appropriations of the respective countries and in accordance with the terms of the MDA Agreement and the GSOMIA.

4. The present agreement and all arrangements to be concluded hereunder shall remain in force, and the obligations of the two Governments shall continue, for so long as the Government of Japan owns, operates, maintains, or otherwise controls the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades as well as other related Classified Military Information.

I have the honor to propose that, if the above proposal is acceptable to the Government of the United States of America, the present Note and Your Excellency's reply of acceptance shall constitute an agreement between

the two Governments, which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have further the honor to confirm on behalf of the Government of the United States of America that the foregoing proposal is acceptable to the Government of the United States of America and to agree that Your Excellency's Note and this reply shall constitute an agreement between the two Governments, which shall enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Sincerely,

William F. Hagerty, IV

William F. Hagerty, IV
Ambassador Extraordinary
and Plenipotentiary
of the United States of America



Translation

Tokyo, November 20, 2018

Excellency,

I have the honor to refer to the Mutual Defense Assistance Agreement Between Japan and the United States of America, signed at Tokyo on March 8, 1954 (hereinafter referred to as the "MDA Agreement"), and the arrangements made thereunder that have provided for the reciprocal exchange of defense-related information, and to recognize that the MDA Agreement provides, inter alia, that each Government, consistently with the principle that economic stability is essential to international peace and security, will make available to the other such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize, in accordance with such detailed arrangements as may be made between them.

I have the honor to refer also to the Agreement Between the Government of Japan and the Government of the United States of America Concerning Security Measures for the Protection of Classified Military Information, signed at Tokyo on August 10, 2007 (hereinafter referred to as the "GSOMIA"), which provides, inter alia, that the Governments shall protect Classified Military Information provided by one Government to the other Government under the terms set forth therein and that supplemental implementing arrangements may be entered into by competent authorities of the Governments.

The Government of Japan desires to obtain and use the advanced technology contained in the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades for the purpose of ensuring the security of Japan.

His Excellency
Mr. William F. Hagerty IV
Ambassador Extraordinary
and Plenipotentiary
of the United States of America

The Government of Japan recognizes its need for information, including Classified Military Information, related to the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades from the Government of the United States of America in order to use the advanced technologies provided under this system. The Government of Japan further acknowledges that a special security program is necessary to facilitate the furnishing of such information. Accordingly, the representatives of the Government of Japan and the Government of the United States of America have recently held discussions for the purpose of concluding detailed arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan. The following is the proposal of the Government of Japan regarding the results of the above-mentioned discussions:

1. Representatives of the competent authorities of the two Governments shall make the detailed implementing arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan, which shall consist of a memorandum of understanding and any modifications thereto, which shall be implemented according to their terms. For such detailed implementing arrangements, the competent authority of the Government of Japan is the Ministry of Defense, and the competent authority of the Government of the United States of America is the Department of Defense.

2. All Classified Military Information furnished by the Government of the United States of America to the Government of Japan concerning the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades shall be subject to the security measures set forth in the memorandum of understanding and any modifications thereto.

3. The present agreement and all arrangements to be concluded hereunder shall be implemented subject to the relevant laws, regulations, and budgetary appropriations of the respective countries and in accordance with the terms of the MDA Agreement and the GSOMIA.

4. The present agreement and all arrangements to be concluded hereunder shall remain in force, and the obligations of the two Governments shall continue, for so long as the Government of Japan owns, operates, maintains, or otherwise controls the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades as well as other related Classified Military Information.

I have the honor to propose that, if the above proposal is acceptable to the Government of the United States of America, the present Note and Your Excellency's reply of acceptance shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Taro Kono
Minister for Foreign Affairs
of Japan

書面を以て、啓上いたします。本大臣は、千九百五十四年三月八日に東京で署名された日本国とアメリカ合衆国との間の相互防衛援助協定（以下「MDA協定」という。）及びMDA協定に基づく取極が防衛関連情勢の相互交換を規定してきたことに言及するとともに、各政府が、経済の安定が国際の平和及び安全保障に資することができないという原則と矛盾しない限り、他方の政府に対し、援助を供与する政府が承認することとなる装備、資材、役務その他の援助を、両政府の間で行うべき細目取極に従って、使用に供するものとすることをMDA協定が特に規定していることを認識する光榮を有します。

又、また、二千七年八月十日に東京で署名された秘密軍事情報の保護のための秘密保持の措置に関する日本国政府とアメリカ合衆国政府との間の協定（以下「GSOMIA」という。）に言及する光榮を有します。GSOMIAは、両政府が一方の政府により他方の政府に対して提供される秘密軍事情報をGSOMIAの規定に基づいて保護すること及び両政府の権限のある当局が補足実施取極を行うことができることを特に規定しています。

日本国政府は、自国の安全を確保するため、任務遂行のための情報処理能力等を向上させたE-767早期警戒管制機システムに含まれる先端技術を取得し、及び使用することを希望します。

三十三、三政府は、任務遂行のための情報処理能力等を向上させたEー七六七早期警戒管制機システムの下に、一、提供される先端技術を使用するためには、アメリカ合衆国政府からの当該システムに関連する情報（二、三重情報を含む。）が必要であると認識します。日本国政府は、更に、当該情報の供与を円滑化する（三、四）ため、特別な秘密保持に関する計画が必要であると認識します。よって、日本国政府及びアメリカ合衆国政府の代表者は、最近、アメリカ合衆国政府が日本国政府に対して供与する秘密軍事情報（任務遂行のための情報処理能力等を向上させたEー七六七早期警戒管制機システムの日本国政府による取得及び使用に必要となるもの）の秘密保持及び保護について細目取極を締結するため、討議を行いました。この討議の結果（五、六）として、三本国政府の提案は、次のとおりであります。

一、三政府の権限のある当局の代表者は、アメリカ合衆国政府が日本国政府に対して供与する秘密軍事情報（二、七）を遂行のための情報処理能力等を向上させたEー七六七早期警戒管制機システムの日本国政府による取得及び使用に必要となるもの）の秘密保持及び保護に関する実施細目取極（了解覚書及びその修正による）を締結し、これらに従って実施されるもの）を行う。当該実施細目取極につき、日本国政府の権限のある（三、八）三政府は、防衛省であり、アメリカ合衆国政府の権限のある当局は、国防省である。

② アメリカ合衆国政府が日本国政府に対して供与する任務遂行のための情報処理能力等を向上させたE-767早期警戒管制機システムに関する全ての秘密軍事情報は、了解覚書及びその修正に定める秘密保持の措置の対象となる。

3 この合意及びこの合意に基づいて締結される全ての取極は、それぞれの国の関係法令及び予算に従い、

二六にMDA協定及びGSOMIAの規定に従って実施される。

(三) 二国政府が任務遂行のための情報処理能力等を向上させたE—七六七早期警戒管制機システム及び他
 (四) 運送する秘密軍事情報を所有し、運用し、保持し、又はその他の方法により管理する限り、この合意及
 (五) この合意に基づいて締結される全ての取極は効力を有し、かつ、両政府の義務は継続する。

「一、二、三、四、前記の提案がアメリカ合衆国政府により受諾される場合には、この書簡及び受諾する旨の閣下
三、四、五、政府間の合意を構成し、その合意が閣下の返簡の日付の日に効力を生ずるものとする」ことを提案
した。以上を要する。

三三、三三、以上を申し進めるに際し、ここに重ねて閣下に向かつて敬意を表します。

二二一、三十一、三二、二十日に東京で

日本国外務大臣

河野太郎

マ、マ、マ、合衆国特命全権大使

ウイリアム・F・ハガティ閣下